

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:12-cr-127-01

v.

HONORABLE PAUL L. MALONEY

KENNETH DUANE WARE,

Defendant.

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**MEMORANDUM OPINION AND ORDER**

Defendant Kenneth Duane Ware has filed a motion for modification or reduction of sentence pursuant to 18 U.S.C. §3582(c)(2) based on the modification of the Drug Quantity Table with respect to drug quantity.

Section 3582(c)(2) permits a court to reduce the term of imprisonment of a defendant who has been sentenced based on a sentencing range that has subsequently been lowered by the Sentencing Commission. 18 U.S.C. § 3582(c)(2). Amendment 782 of the United States Sentencing Guidelines modified U.S.S.G. § 2D1.1, the Drug Quantity Table with regard to drug quantity, and U.S.S.G. § 2D2.1(b). These modifications were made retroactive effective November 1, 2014. U.S.S.G. § 1B1.10(c).

Defendant's original guideline range was 135 to 168 months and the defendant was sentenced to 108 months imprisonment without the benefit of substantial assistance. After application of Amendment 782, the amended guideline range is 108 to 135 months. The original sentence imposed is the same as the minimum of the amended guideline range. Pursuant to

U.S.S.G. § 1B1.10, no further reduction can be granted. In his response to the Sentence Modification Report, Defendant concedes the Court may not grant a further reduction.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant Kenneth Duane Ware's motion modification of sentence pursuant to 18 U.S.C. § 3582(c)(2) (ECF No. 49) is **DENIED**.

Date: January 7, 2016

/s/ Paul L. Maloney  
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Paul L. Maloney  
United States District Judge